

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ANTHONY TAYLOR,

Petitioner,

v.

No. 1:15-cv-01270-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING PETITIONER TO SUBMIT STATEMENT
ON ENTITLEMENT TO RELIEF
AND
DIRECTING UNITED STATES TO RESPOND TO PETITIONER'S STATEMENT AND
REMAINING CLAIMS

Before the Court is the amended motion of Petitioner, Anthony Taylor, to vacate, set aside, or correct his sentence ("Amended Petition") pursuant to 28 U.S.C. § 2255. Petitioner asserts several ineffective assistance of counsel claims, as well as claims that he no longer qualifies for an enhanced sentence in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Mathis v. United States*, 136 S. Ct. 2243 (2016).¹ On March 2, 2018, the United States Probation Office ("USPO") submitted a memorandum opining that Petitioner's sentence was properly enhanced. Appointed counsel did not respond to the memorandum.

¹The original petition (Docket Entry ("D.E.") 1) was amended by Matthew Maddox, the attorney appointed by the Court to represent Petitioner in his *Johnson* claim. (D.E. 6.) The supplemental pleading presented argument in support of the *Johnson* claim, and added a claim under *Mathis*. The Court allowed the amendment. (D.E. 7.) Petitioner subsequently submitted additional argument *pro se* (D.E. 9-1), and the Court allowed the supplementation (D.E. 10). The Amended Petition is thus comprised of all claims asserted and argued in D.E. 1, D.E. 6, and D.E. 9-1.

Petitioner is ORDERED to file, through his appointed attorney, his position on his *Johnson* and *Mathis* claims in light of the USPO's memorandum. The position statement must be filed within twenty-eight days of entry of this order.

Respondent, the United States of America, is ORDERED to respond to Petitioner's statement, as well as his remaining claims, within twenty-eight days of service of Petitioner's statement. *See Rules Governing Section 2255 Proceedings for the United States District Courts* ("Habeas Rules"), Rule 5(a).

Petitioner may, if he chooses, submit a reply to Respondent's answer or response within twenty-eight days of service. *See* Habeas Rule 5(d). Petitioner may request an extension of time to reply by filing a motion on or before the due date of his reply.

IT IS SO ORDERED this 10th day of October 2018.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE